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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/974,676	10/10/2001	Toshihiro Morita	275782US6	7507
22850 7590 09/03/2008 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER LU, CHARLES EDWARD				
ART UNIT		PAPER NUMBER		
2161				
NOTIFICATION DATE		DELIVERY MODE		
09/03/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	09/974,676	MORITA ET AL.	
	Examiner	Art Unit	
	CHARLES E. LU	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)
2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____. | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) <input type="checkbox"/> Notice of Informal Patent Application
6) <input type="checkbox"/> Other: _____. |
|---|--|

DETAILED ACTION

1. This Action is in response to the Amendment dated 6/23/2008. Claims 2-19 are pending and rejected.

Response to Amendments/Response to Arguments

2. The objection to the title is withdrawn in view of amendment to the title.
3. The objection to claim 2 is withdrawn in view of the amendment to claim 2.
4. As to the prior art-based rejections, Applicant argues the claims as amended. The prior grounds of 102 and 103 rejections are withdrawn. The new grounds of rejection are necessitated by amendment.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guck (U.S. Patent 5,911,776), hereinafter "Guck," in view of Astle (U.S. Patent 5557330), hereinafter "Astle."

As to claim 9, Guck teaches all of the following claimed subject matter:

A record controlling steps for controlling a record in which first data identified a predetermined content, second data identifies a first file for storing the predetermined

content in a first format, and third data identifying a second file for storing the predetermined content in a second format are correlated (col. 16, ll. 1-67, col. 17, l. 60 – col. 18, l. 14).

A specifying step for specifying the content on the basis of the first data (see above);

A selecting step for selecting either the first or second file in association with the content specified in the specifying step (see above);

A manipulating step for manipulating the first or second file on the basis of the second data or third data in association with either the first or second file, whichever has been selected (see above).

Guck teaches a first file and second file, as described above. Furthermore, Guck teaches operating on multimedia-related files (e.g., audio or video, see fig. 8 and table 1). Guck does not expressly teach controlling an encoding bit rate.

However, Astle teaches controlling an encoding bit rate for multimedia-related files (e.g., col. 15, l. 24).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Guck, such that the encoding bit rate is controlled. The motivation would have been to meet transmission bandwidth limitations, as taught by Astle (col. 15, l. 24).

As to claim 10, Guck further teaches wherein the manipulating step reproduces the predetermined content stored in either the first or second file (see above).

As to claim 11, Guck further teaches wherein the selecting step further selects

the manipulating step in accordance with the format of either the first or second file, whichever has been selected (see above, and fig. 2B).

As to claim 12, Guck further teaches wherein the manipulating step transfers either the first or second file (see above).

As to claim 13, Guck further teaches wherein the selecting step selects the manipulating step in accordance with a setting (see above).

As to claim 14, Guck further teaches a generating step for generating the predetermined content in the second format on the basis of the first file (see above).

As to claim 15, Guck further teaches a converting step for converting either the first or second file into a third file for storing the predetermined content in a third format (e.g., converting original shadow into a shadow containing transformed output, also see above).

Claim 17 is drawn to substantially the same subject matter as claim 9, discussed above.

As to claim 18, Guck teaches the following claimed subject matter:

A storing unit configured to store a plurality of contents in a storage area (fig. 1);

A database in which a first file ID identifying a first file for storing a predetermined content in a first format and a second file ID identifying a second file for storing the predetermined content in a second format may be associated with a content ID that identifies the predetermined content (see above, and figs. 2, 7).

A content ID specifying unit configured to specify the content ID with the predetermined content is selected from a content list (see above);

A selecting unit configured to select the first or second file based on the first or second file ID from the database when the specified content ID is associated with the first and second file ID (see above);

A manipulating unit configured to manipulate the first or second file, whichever has been selected (see above).

Guck teaches a first file and second file, as described above. Furthermore, Guck teaches operating on multimedia-related files (e.g., audio or video, see fig. 8 and table 1). Guck does not expressly teach controlling an encoding bit rate.

However, Astle teaches controlling an encoding bit rate for multimedia-related files (e.g., col. 15, l. 24).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Guck, such that the encoding bit rate is controlled. The motivation would have been to meet transmission bandwidth limitations, as taught by Astle (col. 15, l. 24).

As to claim 19, Guck further teaches a transmitting unit configured to transmit the predetermined content selected from the content list to other apparatus (see above, and fig. 1);

Wherein the selecting unit selects the first or second file according to the format supported by the other apparatus (see above, summary of the invention, an e.g., col. 8, ll. 10-12).

Claims 2-7 are drawn to substantially the same subject matter as claims 10-15, discussed above.

As to claims 8 and 16, Guck/Astle as applied above do not expressly teach wherein the manipulating unit or step deletes the first or second file.

However, Guck further teaches that as a database object, a virtual file can possess behavior used to process the file, such as deleting it. As such, Guck suggests that a file can be deleted.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Guck, such that the first or second file is deleted. The motivation would have been to make more space available in the database for files that are no longer used, as known to one of ordinary skill in the art.

Conclusion

6. Applicant's amendment necessitates new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E. Lu whose telephone number is (571) 272-8594. The examiner can normally be reached on 8:30 - 5:00; M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached at (571) 272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2161

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Charles E Lu/
Examiner, Art Unit 2161
8/29/2008

/Apu M Mofiz/
Supervisory Patent Examiner, Art Unit 2161